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Civil Service Regulations



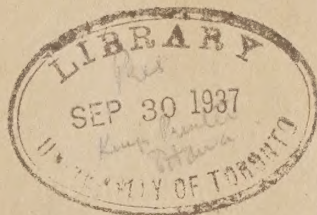
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Publications

CANADA



CIVIL SERVICE REGULATIONS

PREPARED BY THE CIVIL SERVICE COMMISSION
UNDER AUTHORITY OF SECTION 5 OF THE CIVIL
SERVICE ACT, CHAPTER 22, R.S.C. 1927 AND
APPROVED BY HIS EXCELLENCY THE GOVERNOR
GENERAL IN COUNCIL



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1937

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CIVIL SERVICE REGULATIONS

Prepared by the Civil Service Commission under authority of Section 6 of the Civil Service Act, Chapter 22, R.S.C. 1927, and approved by His Excellency the Governor General in Council.

DEFINITIONS

"Unless the context otherwise requires,

- (a) "civil service" means the civil positions and employees in and under the several departments of the Government of Canada, and in the offices of the Auditor General, the Clerk of the Privy Council, the Governor General's Secretary, the Public Archives, the Board of Railway Commissioners for Canada, the Civil Service Commission, and all other civil positions under and persons in the civil employ of His Majesty, but not including the members of any commission or board appointed by the Governor in Council;
- (b) "Commission" means the Civil Service Commission;
- (c) "deputy" or "deputy head" means and includes the deputy of the minister of the Crown presiding over the department, the Clerk of the Privy Council, the Clerks of the Senate and House of Commons, the Librarians of Parliament, the Comptroller of the Royal Canadian Mounted Police, the Superintendent of Insurance, the Dominion Archivist, the Board of Railway Commissioners for Canada and, in all cases in which such meaning is not inconsistent with his powers and duties under the Consolidated Revenue and Audit Act, the Auditor General;
- (d) "employee" means and includes officers, clerks, and employees in the civil service, but does not include deputy heads;
- (e) "head of the department" means the Minister of the Crown for the time being presiding over the department and includes the Speakers of the Senate and House of Commons;
- (f) "the war" means the war declared by His Majesty on the fourth day of August, one thousand nine hundred and fourteen, against the Empire of Germany and, subsequently, against other powers. (Civil Service Act, section 2.)"

1. "Examination" means any test, written, manual or oral, or in the form of a demonstration of skill or physical fitness, or a record of performance, or any combination of these, held by the Commission to establish a list of persons eligible for appointment or promotion.

2. "Eligible list" means a list of persons found qualified by examination by the Commission for appointment to or promotion in the service.

3. "Permanent position" means a position the duties of which are regarded by the department and the Commission as being of continuous indeterminate duration.

4. "Temporary position" means a position the duties of which are regarded by the department and the Commission as being not of continuous indeterminate duration.

5. "Seasonal position" means a position where the nature of service is such that it is not continuous through the year, but recurs in each successive year.

6. "Part-time position" means a position requiring only part-time service for the fulfilment of its duties.

EXAMINATIONS

"Competitive examinations shall be held by the Commission to establish lists of persons eligible for appointment. (Civil Service Act, section 26 (1).)

"Such examination may be written or oral or in the form of a demonstration of skill or any combination of these; they shall be of a character fairly to test and determine the relative fitness and ability of candidates actually to perform the duties of the class to which they seek to be appointed, and any investigation of training and experience and any test of technical knowledge, manual skill, or physical fitness that, in the judgment of the Commission, serves to this end may be employed. (Civil Service Act, section 26 (2).)

"Except as herein provided, the examinations shall be open to all persons who may be lawfully appointed to any position within the class for which the examination is held, with such limitations as may be specified in the regulations of the Commission as to age, sex, health, habits, residence, moral character and other qualifications that are in the judgment of the Commission requisite to the performance of the duties of such positions. (Civil Service Act, section 26 (3).)

"The Commission shall designate the classes of positions for which, having regard to the number and frequency of appointments, lists of persons eligible for appointment shall always be maintained; for other classes, examinations shall be held only when vacancies occur and no list of persons so eligible exists. (Civil Service Act, section 26 (4).)

"Immediately after each examination a list of the successful competitors in the case of a competitive examination, and of successful candidates in order of merit in other examinations, shall be made out and published in the *Canada Gazette*. (Civil Service Act, section 29 (1).)

"The Commission shall prepare and maintain a special list of persons in receipt of pensions by reason of their services in the war who

- (a) have from causes attributable to such service lost capacity for physical exertion to an extent which makes them unfit efficiently to pursue the avocations which they were pursuing before the war;
- (b) have not been successfully re-established in some other avocation; and
- (c) desire to be placed on such list. (Civil Service Act, section 29 (2).)

"The Commission shall obtain as full particulars of each person on such special list, including particulars of his age, education, physical and mental condition, resources and responsibilities, as it is possible to obtain from all available records. (Civil Service Act, section 29 (3).)

"In all examinations for entrance into the civil service the persons named on such special list who are found to possess the necessary qualifications shall be named, in the order of merit, on the list of successful candidates above all other candidates; and all other persons who have been on active service overseas on the military forces or who have served on the high seas in a seagoing ship of war in the naval forces of His Majesty, or of any of the allies of His Majesty, during the war, who have left such service with an honourable record or who have been honourably discharged, or when any persons who have served as aforesaid have died owing to such service, the widows of such persons, and who, in either case, obtain sufficient marks to pass such examinations, shall, irrespective of the marks they have obtained, be named in the order of merit, on the list of successful candidates next after any candidates who are on the special list mentioned in subsection two of this section and above all other candidates. (Civil Service Act, section 29 (4).)

"The provisions of any statute or regulation prescribing the age limit and physical requirements with respect to any appointment in the civil service shall not apply to any person with the military or naval service mentioned in subsections two or four of the last preceding section, if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the office and will probably be able to continue to do so for a reasonable period after his appointment. (Civil Service Act, section 30.)

"The Commission, with the approval of the Governor in Council, may by regulation prescribe the several limits of age within which persons shall be eligible for appointment to positions in the civil service. (Civil Service Act, section 22.)

"Every examination under this Act shall be held in the English or French language, at the option of the candidate; and notice of every examination shall be published in the English and French languages in the *Canada Gazette*, and such notice shall state the number of positions that it is expected will be open for appointments, the positions that are then vacant, and in each case the qualifications required for such positions. (Civil Service Act, section 32.)

"No person shall, without the authority of the Governor in Council, be admitted to any examination unless he is a natural born or naturalized British subject, and also has been a resident of Canada for at least five years. (Civil Service Act, section 33 (1) as amended.)

"Any person holding a permanent appointment in the civil service may enter for any open competition or examination if such person, when first appointed, was not older than the maximum age prescribed for the position for which the examination is being held and if successful thereat may be appointed irrespective of his age. (Civil Service Act, section 33 (2).)

"Whenever the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons (which may be in the form in Schedule C of this Act) signed by the chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice. (Civil Service Act, section 34.)

"If any person is proved upon any inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations made by the Governor in Council with respect to any examination held under the authority of this Act, such person shall be liable, upon summary conviction, to a penalty not exceeding fifty dollars or to imprisonment for any term not exceeding one month; and if any such person's name is upon the list of persons who have been found qualified for any position the Commission may remove his name from such list. (Civil Service Act, section 35.)

"Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the civil service, to be dismissed therefrom. (Civil Service Act, section 36.)

"Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence and liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the civil service, to be dismissed therefrom. (Civil Service Act, section 37 (1).)

"No such person shall be allowed to present himself at any subsequent examination. (Civil Service Act, section 37 (2).)

"The list of eligible persons for each class of positions in the civil service shall be made up first of names of persons who have previously held permanent positions in such class and who were laid off while in good standing under the provisions of this Act, and then of names of persons who have been examined by the Commission and found qualified. (Civil Service Act, section 27.)

"Any person who formerly held a permanent position in the civil service but resigned and proceeded on active service overseas in the military or naval forces of His Majesty or of any of His Majesty's Allies during the war, may have his name placed on the list of eligible persons for the class of position from which he resigned, or for any other position for which he may have qualified, in the order, as respects other persons, provided by the regulations of the Commission, and his salary on appointment shall be the salary he was receiving at the time of his resignation, or the minimum salary of the class in which the position is classified, whichever be the higher." (Civil Service Act, section 28.)

7. No person shall be admitted to an examination until he has filed an application, under oath, upon the form and in the manner prescribed by the Commission, and until he has satisfied the Commission that his age, health, citizenship, residence, habits and moral character are satisfactory, and has furnished such proof as may be required.

8. Except as otherwise specified in the Civil Service Act and in the present regulations, no person shall be admitted to any examination for clerical or lower grade positions unless he has attained the full age of eighteen years and is not over thirty-five years of age on the first day of the examination, except in cases where duly qualified candidates within these age limits are not available, provided that in competitions for caretaker the maximum age limit may be waived in cases where such action is considered by the Commission to be desirable. In the case of examinations for positions as office boys, the age limits shall be sixteen and eighteen years. The age limit for examination for other positions shall be as advertised for such examinations.

9. Persons who are natural born or naturalized British subjects, who were domiciled in Canada at the date of enlistment and have been on active service overseas or on the high seas in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the war, and who have left such service with an honourable record or who have been honourably discharged, or when any persons who have served as aforesaid have died owing to such service, the widows of such persons if domiciled in Canada at the date of their husbands' decease, may be admitted to all examinations without regard to length of residence in Canada.

10. In cases where in the judgment of the Commission the public interest renders such action necessary, persons may be admitted to examinations for rural postmasters despite the fact that they may not be British subjects, nor have resided in Canada for five years.

11. In cases where, after due publicity, the Commission has been unable to secure an adequately qualified applicant with the necessary five years residence in Canada, persons may be admitted to examination despite the fact that they have not resided in Canada for five years, provided they are otherwise qualified under the law and regulations.

12. Persons who have been on active service overseas in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the war who have left such service with an honourable record or who have been honourably discharged, and who are duly qualified as to residence in Canada, but who are not natural born or naturalized British subjects, may be admitted to examination provided that they satisfy the Commission that, at the time of making application for examination, they have made similar application to become naturalized British subjects, and provided further that no such applicant shall receive an appointment to the civil service until he shall have become a naturalized British subject.

13. Unless the requirements of the position demand otherwise, applicants of both sexes may be admitted to any examination.

14. The Commission may refuse to examine an applicant, or after an examination, certify an eligible who is found to lack any of the established preliminary requirements for the examination or position for which he applies, or is physically so disabled as to be rendered unfit for the performance of the duties of the position in which he seeks employment, or has been dismissed from the public service for delinquency or misconduct, or has made false statement of any material fact, or practised or attempted to practise any deception or fraud in his application or examination or in securing his eligibility.

Any deputy head, officer, clerk or employee who is dismissed from the civil service by order of the Governor General in Council on the ground of political partisanship in accordance with the provisions of section 55 of the Civil Service Act, chapter 22, R.S.C., 1927, shall not be eligible to compete for the same or any other position in the public service for the period of one year from the date of dismissal.

15. (1) Candidates at examinations may be required to pay such fees for admission thereto as may be ordered by the Commission.

(2) The fee for all examinations shall be payable by the candidates when making application for examination. Should any candidate after making application and paying the required fee be unable to write on the examination one-half of the fee shall be returned. If, however, a candidate notifies the Commission before an examination is held that he will be unable to present himself owing to illness or for any other cause, the fee in full shall be refunded.

Provided that where an examination is held at a centre for not more than three candidates, no fees shall be refunded to any candidate failing to present himself for examination.

(3) Candidates who have served overseas in the military or naval forces of His Majesty or of any of the Allies of His Majesty during the war, and who have left such service with an honourable record or who have been honourably discharged, or when any persons who have served as aforesaid have died owing to such service, the widows of such persons, or persons who have been certified by a medical board to have become disabled as the result of military service before proceeding overseas, shall not be required to pay a fee for admission to any examination.

(4) Before any appointment shall become effective, the person to be appointed shall satisfy the Commission in the manner and on the form prescribed by the Commission as to his physical fitness for such appointment. The fee for such physical examination shall be \$3, except when the person to be appointed undergoes the complete medical examination required for the purpose of taking out civil service insurance, when the fee shall be \$5.

16. In all examinations weights shall be assigned to each subject to represent their respective relative values in determining the fitness of applicants.

17. General competitive examinations to establish eligible lists for the clerical and lower grade classes of positions shall, when required, be held in the months of May and November, and other examinations may be held from time to time as occasion arises.

18. The general competitive examinations shall be held at the following places (provided that not less than three candidates make application to write at the same place):—

Prince Rupert, Victoria, Vancouver and Nelson, in the province of British Columbia; Edmonton, Calgary and Lethbridge, in the province of Alberta; Saskatoon, Regina, North Battleford and Moose Jaw, in the province of Saskatchewan; Brandon and Winnipeg, in the province of Manitoba; Port Arthur, Sault Ste. Marie, North Bay, Windsor, Sarnia, London, Woodstock, Hamilton, Toronto, Peterborough, Kingston, Ottawa and Brantford, in the province of Ontario; Montreal, Sorel, Chicoutimi, Sherbrooke, Three Rivers, Quebec and Rimouski, in the province of Quebec; Fredericton, Chatham, Saint John and Moncton, in the province of New Brunswick; Charlottetown and Summerside, in the province of Prince Edward Island; Yarmouth, Halifax, Sydney and Kentville, in the province of Nova Scotia. Examinations may also be held at other places where there is a sufficient number of candidates to justify the same.

Provided that where competitive examinations are required involving technical or scientific subjects and necessitating the use of scientific apparatus, it shall not be necessary to hold such examinations at each of the above places, but the Commission shall, as far as possible, arrange for at least one place in each province where such examination may be taken.

19. Any subject of any examination may be written in either English or French at the option of the candidate, but the choice of language must be made at the time of application.

20. (1) Where the appointment of a postmaster in any of the smaller offices throughout the Dominion is required, the Commission shall, through the responsible official of the Post Office Department, institute inquiries in the locality in which the appointment is to be made, with a view to securing a suitable person, suitably located, for such position, and, having made a selection and having satisfied themselves that such person possesses sufficient education

to enable him to efficiently discharge the duties of the position and that he is duly qualified as to health, character, and habits, the certificate required for his appointment shall be issued.

(2) Where such procedure, for sufficient reason, is considered inadvisable in the public interest, the Commission shall invite applications for the position by public advertisement, in the locality in which the appointment is to be made, and shall select from among those applying the person who, in their judgment, is best qualified for the position. For the purpose of such selection, the Commission may make such inquiries and hold such an examination or test to determine the qualifications of the person or persons so applying as they may deem necessary.

21. The procedure outlined in subsection (2) of section 20 of these regulations shall be observed in the filling of any positions for which a suitable candidate cannot be secured from the list established by means of the several examinations prescribed by these regulations, and for any other position for which, in the opinion of the Commission, local competition, but not necessarily written examinations, seems the most desirable and practicable means of selection.

22. In all cases where an examination is provided for under any statute for any special position, or positions (such as lay inspectors, veterinary inspectors, egg inspectors, grain inspectors, steamship inspectors, cullers, public analysts, inspectors and assistant inspectors of electricity), such examinations shall be held under the direction of the Civil Service Commission and successful candidates appointed in order of merit in accordance with the Civil Service Act, and the present regulations. These special competitions shall include such academic subjects, technical papers or practical tests as may be agreed upon between the departments and the Commission, and shall be of such a character as shall best determine the qualifications of the applicant for the position to be filled.

23. Each examiner appointed by the Civil Service Commission shall take and subscribe the following oath of office:—

I, A.B., do solemnly promise and swear that I will not reveal to any one the questions prepared by me for any Civil Service Examination and that I will take all possible care to ensure that they be kept secret while they remain in my hands. That if I make a translation of the questions, I will not show it to any unauthorized person. That I will not keep a copy of my questions and that if I memorize them, or any of them, I will not, directly or indirectly, do or say anything that would lead an unauthorized person to gain a knowledge of them.

I do, furthermore, solemnly promise and swear that I will correct the examination books sent me with all possible care and to the best of my ability, without any favouritism or discrimination.

So help me God.

Signature.....

Sworn before me at.....on the.....

day of.....19.....

Signature.....

Title.....

24. Each examiner in each subject shall submit to the Civil Service Commission with his returns a schedule showing how he has apportioned the marks for the different questions and especially showing how he has marked typical partial answers.

25. If the Commission requires the services of any officer in any department in connection with any appointment or promotion to be made to the public service, or any other matter coming under the jurisdiction of the Commission, such officer shall hold himself in readiness to co-operate with the Commission and shall place his services at the disposal of the Commission in any way and at any time.

26. (a) Supervisors at examinations shall be paid in accordance with the following scale of fees:—

Presiding Supervisors, per day	\$10 00
per half day.....	5 00
Assistants, per day	5 00
per half day.....	3 00

There shall be a presiding supervisor in each separate examination hall which shall thereby constitute an examination centre, and, where the number of candidates at any centre exceeds twenty-five, an assistant supervisor may be appointed for such additional number up to twenty-five, and other additional assistants may be appointed in like proportion where the number of candidates exceeds fifty. In all cases where such an arrangement can be made, the Commission shall be empowered to contract with an educational institution for a flat rate to cover the rental of halls and the services of supervisors, provided that in no case shall such flat rate exceed the amount which the Commission would be called upon to pay for rental of halls and for supervising services if separate accounts were rendered.

(b) Examiners shall be paid such fees as are regarded by the Commission as commensurate with the services rendered.

27. Within one month after the publication of the results of any examination, any candidate who considers that his answer papers have not been correctly rated, may make application to the Commission to have such papers reread. Such application must be accompanied by a fee of the amount paid by the candidate at the examination. In cases where the appeal is sustained, the fee will be returned.

28. The answer papers of all candidates at any examination, after being rated by the examiner, shall be retained by the Commission for a period of six months from the date of publishing the results, and may then be destroyed.

29. The eligibility of persons who have passed, prior to the 1st June, 1918, civil service examinations provided for under any statute, or who were exempt from examination under such statute, shall be considered as having lapsed, except in the case of the following classes of persons:—

- (1) Persons who have been on active service overseas on the military or naval forces of His Majesty, or of any of the Allies of His Majesty, during the war, who have left such service with an honourable record, or who have been honourably discharged, or widows of persons who have served as aforesaid and who have died owing to service overseas.
- (2) Persons now employed in a temporary capacity in the civil service, who have been thus employed continuously since November 10, 1919.

To be eligible under the present section graduates of Canadian universities and of the Royal Military College must have registered their diplomas with the Civil Service Commission, or the Department of the Secretary of State, not later than February 12, 1918.

Persons mentioned under (1) and (2) may be placed on the list of persons eligible for permanent appointment to any class of position for which their examinations, in the opinion of the Commission, qualify them, provided they are otherwise qualified under the Civil Service Act, and the Regulations of the Commission, at the time of their appointment.

30. The names of persons placed upon eligible lists under the provisions of section 28 of the Civil Service Act, shall be placed in the order of merit above all successful candidates at the examinations and above persons whose names are placed upon the eligible lists under the provisions of section 54 of the Civil Service Act.

31. Eligible lists shall expire one year after the date of establishment, except in cases where in the opinion of the Commission the public interest will be served by the continuance of the list. Where an eligible list is about to expire, persons whose names appear on the list and have not yet been reached for employment shall be notified that their eligibility will be cancelled with the lapsing of the list, but persons whose names have been reached in order of merit for regular employment during the life of the list and who have accepted appointment when offered and have not voluntarily left the Service shall retain their eligibility provided that satisfactory service has been rendered while in employment.

APPOINTMENTS

"Every deputy head shall notify the Commission of every vacancy in any position in his department immediately after the vacancy occurs, and whenever such vacancy is to be filled, the deputy head shall request the Commission to make an appointment. Civil Service Act, section 21 (1)."

"The Commission shall thereupon appoint the person whose name stands highest upon the Commission's list of eligible persons for the class in which the position is found and who is willing to accept the appointment; in case there is no such list for the class, the Commission shall forthwith hold an examination and, if necessary to prevent any serious interference with the public business, but not otherwise, may fill the position at once by making a temporary appointment as prescribed herein. (Civil Service Act, section 21 (2).)"

"Except as to appointments to positions in the headquarters of the several departments and other portions of the civil service at Ottawa, the appointments to any local positions in any province shall, so far as practicable, be made from persons having resided in such locality for a period of at least one year immediately preceding the date last fixed for receiving applications for such local positions. (Civil Service Act, section 21 (3) as amended.)"

"Any person who formerly held a permanent position in the civil service but resigned and proceeded on active service overseas in the military or naval forces of His Majesty or of any of His Majesty's Allies during the war, may have his name placed on the list of eligible persons for the class of position from which he resigned, or for any other position for which he may have qualified, in the order, as respects other persons, provided by the regulations of the Commission, and his salary on appointment shall be the salary he was receiving at the time of his resignation, or the minimum salary of the class in which the position is classified, whichever be the higher. (Civil Service Act, section 28.)"

"The deputy head may, at any time before the expiration of six months, reject for cause any person assigned or appointed to any position under his control or direction, or he may extend the period of probation within which such person may be rejected for another six months; and the cause of rejection with full particulars or the reason for extending the period of probation, shall be reported by the deputy head to the Commission. (Civil Service Act, section 24 (1) as amended.)"

"Where a person is rejected, the Commission shall thereupon select another person to take the place of the one rejected. (Civil Service Act, section 24 (2).)"

"The Commission shall, after investigation, decide whether the name of a rejected person shall be struck off the list as unfit for the service generally or whether he shall be allowed a trial in some other position for which he may be eligible. (Civil Service Act, section 24 (3).)"

"After a person has served in a position for the probationary term of six or twelve months, as the case may be, he shall be deemed to be appointed to such position." (Civil Service Act, section 25.)

32. A successful competitor at any examination held under the direction of the Commission for employment in the civil service who declines to accept an appointment when it is offered him, shall forfeit all future right to such appointments, and his name shall be removed from the eligible list unless he offers, in the judgment of the Commission, good and sufficient reason for his action, or unless he has in advance waived appointment for a period and for reasons satisfactory to the Commission in which case his name may remain upon the eligible list in the order of merit.

33. The Commission may select for any office or employment any person who is a successful competitor for higher office or employment; provided that such person relinquishes his claim to appointment in the higher grade; and provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment.

34. No permanent appointment shall be effective prior to the date on which the eligibility of the person appointed was established and approved by the Commission.

35. Any employee who (1) is occupying a position permanent in nature, (2) has been continuously occupying such position satisfactorily to the department for at least one year, and (3) has passed the necessary examination for permanent appointment to such position not less than one year previously, may, if desired by his department, be certified by the Commission as permanent and considered eligible for annual increases in salary.

36. (1) Hereafter, no married woman whose husband is living shall be eligible for appointment to the public service; provided that any married woman judicially separated from her husband shall be deemed to be unmarried and to have the same right to employment as a single woman.

(2) Provided further, that when the Commission reports that the supply of experienced help for any particular kind of work is not sufficient to meet the demands of the public service, a married woman may be certified for temporary employment.

(3) Provided further, that where it can be established by a married woman that her husband is unable, through illness or other cause, to contribute to her support, such married woman may be certified for permanent or temporary employment.

(4) Provided further, that where, in the opinion of the Commission, it would be desirable or necessary, and in the best interests of the public service, to employ a married woman or to employ husband and wife together, such married woman may be certified to by the Commission for permanent or temporary employment.

TEMPORARY EMPLOYMENT

"When, from a temporary pressure of work, extra assistance is required in any branch of the civil service, the Commission may, on the written report of the deputy head that such extra assistance is required, authorize the employment of such number of temporary employees as are required to carry on the work. (Civil Service Act, section 38 (1).)

"The Commission shall establish lists of persons eligible for such temporary employment. (Civil Service Act, section 38 (2).)

"Temporary employment in the civil service shall be authorized only for such time, not exceeding six months, as the Commission deems necessary, and the period for which the employment is authorized shall be mentioned in the certificate of qualification issued by the Commission; and one or more extensions of such period of employment may be granted by the Commission, but each such extension shall be limited to a period not exceeding six months. (Civil Service Act, section 38 (3).)

"When employees are required on short notice for emergency work outside the city of Ottawa, the responsible agent or officer of the department requiring such extra assistance may engage the necessary employees, and the said agent or officer in each case shall forthwith report to the Commission through the deputy head of his department the names of the persons so employed. (Civil Service Act, section 39 (1).)

"No such employment shall extend beyond thirty days unless approved by the Commission; but where the place of employment is outside the Dominion of Canada, the term of such employment may extend to ninety days. (Civil Service Act, section 39 (2).)

"Such employees may be paid the prevailing rate of pay at which persons qualified to perform such emergency work may be secured in the place or locality where the work is required to be done. (Civil Service Act, section 39 (3).)

"The Commission may authorize the temporary employment, without a competitive or other examination, of persons possessed of professional, scientific, technical or other expert knowledge, whose services are required for work of an exceptional character, and the salary or other remuneration to be paid to any person so employed shall be such as the Governor in Council may prescribe. (Civil Service Act, section 40.)

"Temporary employees shall be paid only out of moneys specially voted by Parliament for the purpose." (Civil Service Act, section 42.)

37. Assignments for temporary employment shall be made, whenever possible, from the list of persons eligible for permanent employment. When, however, these lists are insufficient to meet the needs of the service for temporary assistance, the Commission may hold competitive examinations for temporary employment, or may select in order of merit persons who have filed applications for temporary employment with the Commission.

38. The acceptance or refusal of temporary employment shall not affect the rights of an eligible for permanent appointment.

39. Where it is desired to extend the employment of persons taken on under the provisions of section 39 (3) of the Civil Service Act beyond the period specified by law, the report of the appointing officer shall be accompanied by the following declaration:—

- (a) That the appointment was necessary for the efficient carrying on of the work of the department;
- (b) That the selection was made without reference to personal or political considerations and strictly on the merit principle as between persons applying or available for the position;
- (c) That the preference extended by law to veterans of the war, to persons in receipt of pensions by reason of their services in the war, and to widows of persons who have died as a result of such service, was faithfully exercised in the selection;
- (d) That such persons satisfied the department as to their qualifications;
- (e) That they were suitable as to age, character and habits;
- (f) That the salary or wages paid were fair and reasonable and did not exceed the rates approved by the department.

40. No person shall be temporarily employed for longer than six months except in cases where the employee is qualified by examination for permanent appointment to the position occupied, or where no eligibles are available for permanent appointment to the position in question, or where the Commission considers it to be in the interests of the service that the temporary employment of the incumbent should be continued, and in cases of extension beyond six months, the continuance of the temporary position must be authorized by Council.

SEASONAL EMPLOYMENT

41. All positions in the civil service where the nature of service is such that it is not continuous through the year, but recurs in each successive year, shall be designated as "Seasonal Positions," and shall be subject to the provisions of the regulations applicable generally to positions to be filled by open competition, including preference to returned soldiers if such are qualified and available. Positions under the Board of Grain Commissioners may be considered seasonal where the nature of the service is such that it is not continuous over a period of years, but depends upon the conditions surrounding the movement of the grain each year.

42. Any person selected for appointment to a seasonal position as a result of success at an open competition therefor, shall be certified by the Civil Service Commission for seasonal employment and all those for whom seasonal certificates have been or shall be issued, shall be considered eligible for re-employment from year to year without further certification. Persons who have not been selected by open competition may be appointed temporarily to seasonal

positions in the absence of suitable eligibles but shall receive only a certificate of temporary employment and shall not be considered eligible for re-employment in the succeeding year without the issue of a further certificate.

43. Seasonal employees shall be considered eligible for annual increase in salary as provided by section 14 of the Civil Service Act.

44. Seasonal employees may be granted leave of absence for one season and still retain their eligibility for seasonal employment and for annual increase, but those who abandon their positions or fail to report in any one season, without having first secured the necessary leave of absence, shall be considered as having lost their eligibility.

45. Seasonal employees may be considered eligible to enter promotional competitions for permanent full time positions.

46. The departments shall notify the Civil Service Commission of the return of seasonal employees to duty after each period of lay-off, showing the name, classification, and position reference number of each employee with the date of re-employment.

TRANSFERS

"The Commission shall by regulation provide for the transfer of employees within any department or any portion of the civil service. (Civil Service Act, section 50 (1).)

"No employee shall be transferred from a position in one department or portion of the civil service to a position in another department or portion of the civil service except upon the request of the respective deputy heads." (Civil Service Act, section 50 (2).)

47. The word "transfer" shall be held to mean a change from one position to another position in the same class, or a change from a position in one class to a position in another class with the same or a lower maximum compensation, and shall apply only to permanent employees.

48 (a) A transfer from one position to another position in the same class may be made from one department to another department after approval by the Commission.

(b) A transfer from one position to another position in the same class may be made within a department by the deputy head of the department without reference to the Commission provided no change in residence is involved, but a report of such transfers must be made immediately to the Commission.

49. A transfer between classes with the same maximum compensation which, in the judgment of the Commission, have approximately the same qualifications, may be made after approval by the Commission.

50. A transfer between classes with the same maximum compensation but which, in the judgment of the Commission, have not approximately the same qualifications may be made by the Commission only after it has satisfied itself of the fitness of the person recommended to be so transferred.

51. If a transfer made under sections 48, 49 or 50 of these regulations is to a class which does not contain the same salary rate as that which the employee is receiving, the transfer must be made at the rate which the employee is receiving, and increase to the next higher rate of the new range may be made at the expiration of one year from the date of the employee's last increase.

52. A transfer to a class with a lower maximum compensation may be made after approval by the Commission.

53. Where an employee recommended for transfer under section 52 of these regulations is receiving a salary greater than the maximum compensation of the class to which he is to be transferred, his salary, after transfer, shall be the maximum salary of his new class, or such rate within the range of said class as may be mutually satisfactory to the Commission, the department, and the employee. Where such employee is receiving less than the maximum of the new class, his salary shall be determined as under section 51.

54. In recommending a transfer in which a change of residence is involved, the deputy head of the department in which the vacancy exists must certify that the position in question cannot be filled efficiently by local promotion, or must advance sufficient reasons for his recommendation to satisfy the Commission that in this particular instance it is in the best interests of the public service that transfer should supersede promotion.

55. When a private secretary to a minister of the Crown, who is a permanent employee of the civil service, vacates his position as private secretary, he may be considered eligible for transfer to any position in the public service for which, in the judgment of the Commission, his qualifications and previous experience qualify him, provided that the minimum salary of the new position shall not exceed the maximum salary, less allowance, of the class in which the transferee now is.

PROMOTIONS

"Promotion is a change from one class to another class with a higher maximum compensation, and vacancies shall be filled, as far as is consistent with the best interests of the civil service, by promotion. (Civil Service Act, section 49 (1).)

"Promotions shall be made for merit by the Commission upon such examination, reports, tests, records, ratings or recommendations as the Commission may by regulation prescribe. (Civil Service Act, section 49 (2).)

"In making promotions, the Commission may, by regulation restrict the competition by merit to all employees or to employees of certain class or classes of a specified seniority, and may prescribe the marks or ratings to be obtained by such employees for efficiency and seniority, such marks or ratings not to exceed one-half of the total marks required under any merit system or method adopted by the Commission for promotion purposes. (Civil Service Act, section 49 (3).)

"The rate of compensation of an employee upon appointment to a position in any class in the civil service shall be at the minimum rate prescribed for the class; provided, however, that when the appointee is already in the civil service in another position, the rate of compensation upon appointment to the new position through promotion shall be the same as that received before such new appointment, or, if there be no such rate for the new class, then at the next higher rate, but no appointment shall in any case be made at less than the minimum nor at more than the maximum rate prescribed for a class." (Civil Service Act, section 13 as amended.)

56. Requisitions for the filling of vacancies in permanent positions in the service shall include a statement from the deputy head of the department as to whether or not, in his opinion, it is consistent with the best interests of the service that the vacancy in question should be filled by promotion, and, if so, to what groups or classes the competition should be restricted.

57. Promotion examinations may be limited to such services or classes or to such organization units, departments, or parts of the service as the Commission deems advisable.

58. Promotion examinations shall be given due publicity by the Commission in the units, branches or departments within which the competitions in question are to be held.

59. Promotion examinations may include practical, oral or written tests or be of such other nature as will, in the opinion of the Commission, best determine the relative qualifications of the candidates and their fitness for the position in question. The factors to be considered shall be seniority and efficiency in the service, and fitness to perform the duties of the vacant position, but the marks

given for efficiency and seniority shall not exceed one-half of the total marks that can be obtained at the examination.

60. Promotion examinations shall be open to permanent employees only.

61. The assignment of a permanent employee to a higher position in the service, whether as the result of success at an open competitive examination, or at a promotion examination, shall be treated as a promotion.

62. A promotion shall become effective from the date of the Commission's approval, or, if the person selected by the Commission for promotion is certified by the department to have been performing the duties of the position in question, his promotion may be made effective from the day on which he first took over the duties, provided that it shall not ante-date the day on which the Commission was asked by the department to fill the vacancy, nor the last day for which the name of the previous incumbent appeared on the payroll.

63. The salary rate upon promotion shall be the minimum rate prescribed for the new position, except where the person selected for promotion is already receiving a higher rate, in which case he shall be promoted at the same rate as he is receiving, or if there be no such rate for the new class, then at the next higher rate.

64. (1) Permanent employees who have qualified for a higher class by open competitive examination may be promoted to vacancies in their own departments, without further competition, in the order in which their names appear on the eligible list, without waiting until their names have been reached for assignment.

(2) Where an employee is so recommended for promotion out of the order in which his name appears on the eligible list, a comparative rating shall be made by the Commission of the employee recommended and all other permanent employees in the same department whose names appear ahead of his on the eligible list. If such rating shows that the employee recommended by the department is the best qualified for the position which requires to be filled, his promotion may be approved.

LEAVE OF ABSENCE

"The deputy head may grant to each officer, clerk or other employee leave of absence for the purposes of vacation for a period not exceeding one and one-half days for each month of completed service and not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays; but if any such officer, clerk or employee be stationed in a tropical country (as defined by the regulations of the Commission) such leave of absence may be granted for a period not exceeding one calendar month in any one fiscal year. (Civil Service Act, section 46 (1) as amended.)

"Every such officer, clerk or employee shall take the leave so granted at such time during each year as the deputy head determines. (Civil Service Act, section 46 (2) as amended.)

"The Commission, with the approval of the Governor in Council, shall make regulations under which the deputy head may in case of illness or for other sufficient reason grant leave of absence to any officer, clerk or employee for such period or periods, with or without pay, or with reduced pay, during such period or periods, or such part of the same, as the regulations may prescribe. (Civil Service Act, section 47.)

"When any officer, clerk or employee is absent from duty without leave, his salary for each day of such absence shall be deducted from his monthly salary." (Civil Service Act, section 48.)

65. The words "officer, clerk or employee" shall be held to include both permanent and temporary employees.

66. The word "day" shall be interpreted to mean a working day.

67. Sick leave may be granted under the following conditions to employees, who, through illness, are incapacitated for duty:—

(a) Sick leave credit may accumulate at the rate of one and one-half days for each completed month of continuous service, deduction therefrom being made

for any period of sick leave which is granted with pay. When the sick leave credit is exhausted, no further paid leave may be allowed.

(b) Sick leave may be granted only on the production of satisfactory evidence of the inability of the employee to perform his duties, in the form of a written declaration from the employee in cases where the absence has not exceeded three days and a certificate from a qualified medical practitioner where the absence has exceeded three days, such certificate to be submitted within seven days of beginning of absence. It shall be competent for any deputy minister to reduce the number of days' absence for which a medical certificate will be required if it appears to him to be in the best interests of his department to do so.

(c) Sick leave with pay, within the limits laid down under subsection (a) may be granted by the deputy head of the department, but not continuously in excess of two months. Any longer periods which are found to be necessary must be referred to the Commission for its approval.

(d) All medical certificates shall be referred to the Department of Pensions and National Health for report.

68. (a) Leave of absence may be granted with pay by the deputy head of a department to any employee on account of injury accidentally received in the performance of his duties and not caused by negligence on the employee's part, if application for such leave is properly supported by a certificate from a qualified medical practitioner; but in all cases where an award is made to the employee in connection with such injury under the provisions of chapter 30. R.S.C. 1927, by a Workmen's Compensation Board, the amount of the award shall be deducted from the amount payable as salary by the department.

(b) Leave of absence may be granted, with pay, by the deputy head of the department to any employee engaged on the investigation of radioactive minerals, such leave not to exceed one full working day in each week of continuous employment on such work. Such employees may also be granted a period of three weeks' absence in each year in addition to the eighteen days' annual leave authorized by section 46 of the Civil Service Act.

69. Special leave with pay may be granted by the deputy head to employees who have the necessary special leave credit, for certain designated causes such as illness in the family, death in the family, quarantine, etc., but not continuously in excess of six days except with the approval of the Commission. For this purpose, special leave credit may accumulate at the rate of one-half day for each completed month of continuous service up to a maximum of thirty days, deduction therefrom being made for any period of special paid leave. When the leave credit is thus reduced, it may again commence to accumulate until the maximum of thirty days is reached, but no employee shall at any time have more than thirty days' leave to his credit. Special leave with pay shall be granted only on the production of a written application from the employee, setting forth in detail the reasons why he considers that paid leave should be allowed, and supported by such evidence as the deputy head may require; provided that in all cases of illness in family in excess of one day a medical certificate shall be furnished which shall be referred to the Department of Pensions and National Health.

Causes for which special leave may be allowed shall be designated by the Commission and communicated to the departments in the form of extracts from the minutes.

69A. Casual absences (which are defined as absences of three days' duration or less) shall not be allowed with pay in excess of eight days in any fiscal year on account of the illness of an employee or on account of illness in family unless they have been certified by the Department of Pensions and National Health.

If the eight-day limit without certification is exceeded the employee shall be required to report in person to the Department of Pensions and National Health before returning to duty and if pay is recommended by that department it may be allowed within the limits laid down by Sections 67 and 69; otherwise no pay can be allowed for the absence unless, on the employee's written request, it is charged to annual leave.

- (b) During the first six months' employment all casual absences as above defined, for any cause except death in family, shall be charged to annual leave or to leave without pay.

70. All leaves of absence granted during the preceding calendar month by the deputy head of a department, and all absences without leave during the preceding calendar month shall be reported to the Commission on the 15th day of each month, a duplicate of this report being attached to the pay list as required by the Auditor General

71. No leave of absence with pay except such as may be granted by or under statutory authority or under section 68 (b) of these regulations shall be granted to employees who are receiving prevailing rates of pay.

72. Employees who are transferred from one department to another may carry their leave with them subject to the convenience of the department to which they have been transferred, such employees upon leaving a department to obtain a statement of the balance of the leave to which they are entitled for presentation to their new department.

73. Retiring leave may be granted by the Commission, on the recommendation of the deputy head of the department, to permanent employees for a period equal to the unexpended portion of the employee's accrued sick and special leave, not, however, to exceed sixty days, except in the special cases outlined below, and to expire automatically should the retiring employee be re-employed in the service.

In the case of the following classes of persons, viz.,

- (a) persons who are being retired under the provisions of Part I of the Superannuation and Retirement Act, chapter 17, R.S.C. 1906;
- (b) persons who, being contributors to the Retirement Fund under Part II of the said Act, are being retired on account of age, or abolition of position, or ill health, provided the necessity for any such person's retirement on account of ill health be certified by the Department of Pensions and National Health in the form of Schedule "J" prescribed by the regulations established under the Civil Service Superannuation Act, chapter 24, R.S.C. 1927;
- (c) persons who are being retired under the provisions of section 5 paragraphs (a) (i) and (ii) of the Civil Service Superannuation Act, 1924;

the maximum amount of retiring leave which shall be granted shall be as follows:—

To those who have served continuously for at least ten years and not more than fifteen years—three calendar months.

To those who have served continuously for at least fifteen years and not more than twenty years—four calendar months.

To those who have served continuously for at least twenty years and not more than twenty-five years—five calendar months.

To those who have served continuously for at least twenty-five years—six calendar months.

Retiring leave shall not be granted to persons who are retired for inefficiency or misconduct.

74. Leave without pay may be granted by the deputy head of the department for periods of not more than one month, and by the Commission for periods of over one month. All applications for leave without pay over one month must be recommended by the deputy head of the department, with a certificate that the interests of the service are conserved thereby or that the said leave is necessary as an extension of sick leave beyond the limits of leave with pay.

75. Vacation leave must be taken during the year in which it is earned, except in the case of employees in outlying districts where the geographical conditions render it impossible to take leave each year, in which cases it may be allowed to accumulate until such time as the department is prepared to allow the full amount to be taken. Exception may also be made in cases where the exigencies of the public service have made it impossible or inexpedient for the department to grant annual leave to an employee. In such cases the deputy head shall request the employee in writing to forego his leave for one year, and shall give him authority to carry all or a portion of said leave over to the next fiscal year, but the leave carried over must be taken in the succeeding year together with the leave for the year to which it has been transferred; providing that if, in the opinion of the Civil Service Commission, certain cases merit more generous treatment, provision therefor may be made by the Governor General in Council on the recommendation of the Commission.

76. Leave obtained fraudulently will be considered as sufficient ground for the deputy head of the department to recommend the dismissal of the employee from the service.

SALARY INCREASES

"The rate of compensation of an employee who has not reached the maximum rate of compensation of the class in which he is serving may, subject to the regulations of the Commission, be increased by the deputy head, if he is satisfied that the employee has rendered meritorious service and has increased his usefulness in the service. (Civil Service Act, section 14 (1) as amended.)

"Such increase shall be to the next higher rate for the class, and the new rate shall become effective at the next quarterly date after the increase is granted by the deputy head, that is to say, either the first day of January, April, July or October in any year. (Civil Service Act, section 14 (2) as amended.)

"No employee whose rate of compensation exceeds six hundred dollars per annum shall receive an increase under the provisions of this section more than once in each year, unless such employee be classified in a position in respect of which the classification provides for semi-annual instead of annual increases or compensation. (Civil Service Act, section 14 (3).)

"No temporary employee shall be deemed to be eligible to receive any increase of compensation under the provisions of this Act." (Civil Service Act, section 15 (3).)

77. Salary increases under Section 14 of the Civil Service Act shall be granted by the deputy heads to such employees only as have a statutory claim to be considered members of the permanent staff, and occupy positions to which the provisions of that Act apply.

78. (a) Recommendations for salary increase shall be submitted by the branch heads to the Deputy Minister at any time within the three months immediately preceding the quarterly date on which they fall due, with a signed statement that the employees concerned have rendered meritorious service and have increased their usefulness in the service. The deputy head shall make such inquiries as he may consider necessary to satisfy himself that the increases are in order and thoroughly justified, and all cases in which he authorizes increase in salary under this section shall be reported to the Auditor General, to the Comptroller of the Treasury, and to the Civil Service Commission, with a definite statement, signed by the deputy head, regarding meritorious service and increased usefulness.

(b) The Civil Service Commission shall be furnished each quarter with a list of the employees whose increase is not granted on the date on which it would ordinarily have fallen due.

79. No newly appointed employee shall be considered to be eligible for salary increase until the then or next ensuing quarterly date one year from the date of appointment, except in the case of lightkeepers who may be considered eligible for salary increase on the then or next ensuing quarterly date one year from the date of assuming duty provided that in the meantime they have been appointed permanently to the position.

80. No employee shall be granted an increase who has not been on active duty for at least ten months subsequent to the date of his last increase. If an employee has been absent from duty for two months immediately preceding the date on which his increase would ordinarily have fallen due, and is still absent on that date, such increase shall be withheld until the then or next ensuing quarterly date after his return to duty.

81. An employee whose salary increase is not granted by the deputy head on the date on which it would ordinarily fall due owing to the fact that the employee has been absent, or has not rendered meritorious service and is not considered to be deserving of increase, may, after sufficient service, or if his services improve sufficiently, be granted salary increase at some succeeding quarterly date, but the quarterly date of future increases shall be thereby changed so that the increase will fall due in each succeeding year on the quarterly date from which it was last granted.

82 (a) An employee who has not reached the maximum of his class and who is promoted to a higher class shall be considered eligible for salary increase on the date on which it would have fallen due prior to promotion provided that the said promotion has not given him an increase equal to or greater than his old rate of increase. If an increase is received in connection with promotion which is equal to or greater than the rate of increase in the former class, such employee shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion.

(b) An employee who has reached the maximum of his class and is afterwards promoted to a higher class shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion.

(c) Where the compensation of a class has been increased but no promotion certificate is required, employees shall be treated in accordance with the principles laid down by sub-sections (a) and (b) of this section.

83. Employees occupying part-time positions shall not be considered eligible for annual increase under the provisions of section 14, but the rate of compensation for such positions shall be determined by the Commission and the department concerned, the computation being based upon the hours of service and the duties performed, and no change shall be made in the fixed rate unless a corresponding change has taken place in these determining factors.

84. Supernumerary employees shall not be considered eligible for annual increase, under the provisions of section 14; but an employee who is transferred from the supernumerary staff to a position on the regular establishment shall be considered eligible for annual increase on the then or next ensuing quarterly date after the completion of twelve months' service in a regular position, including all service since the date of last increase both prior and subsequent to his inclusion in the supernumerary list.

OVERTIME

"The Commission shall make regulations under which the deputy head may, for sufficient reason, authorize the payment to employees, not in administrative or executive positions, of such additional remuneration as may be prescribed in such regulations, for work done outside of prescribed hours." (Civil Service Act, section 16.)

85. For positions other than where the compensation is an hourly or daily rate of pay, additional remuneration may be provided for work performed out-

side of prescribed working hours only on the request of the department to the Civil Service Commission. The Civil Service Commission, after investigation and if concurring in the request of the department, will submit such request to the Governor in Council for approval.

86. (1) Immigration Inspectors and such other classes of employees as may, from time to time, be required to perform inspection duties at the Ports for short term emergency periods, shall be paid for services rendered on Sundays and holidays, where not otherwise compensated for by being relieved from duty for an equivalent number of working hours.

(2) The hourly rate of pay shall be as follows:—

Sundays	60c. per hour.
Legal holidays	50c. per hour.

(3) Each officer shall be required to work such hours on Sundays and holidays as the circumstances and conditions require as determined by the department, but the maximum number of hours for which overtime may be paid for each Sunday or holiday shall be eight hours.

(4) No officer in receipt of an annual salary of over \$2,100 shall be eligible to receive overtime pay and no officer holding a supervisory position shall be eligible for overtime except in cases where he is required to perform the usual duties assigned an immigration inspector.

WORKING HOURS AND ATTENDANCE RECORDS

"The Commission shall by regulation prescribe working hours for each portion of the civil service, and there shall be kept and used in each branch of the civil service a book, system or device approved by the Commission for preserving a record of the attendance of the employees." (Civil Service Act, section 44.)

87. Attendance books, automatic time-registers or other approved system of recording attendance shall be used in every department. Every officer in charge of a division, or branch, shall be responsible to the deputy head for the proper keeping of the attendance records and the observance of the regulations in this behalf.

88. From the 1st September to the 30th June the hours of attendance to be observed by officers or employees not exempted by law or not subject to special regulations in this regard shall be from 9 a.m. until 5 p.m. each day except Sundays and recognized holidays, except also Saturdays when the hours shall be from 9 a.m. until 1 p.m. During the months of July and August, provided Parliament is not in session, the hours of attendance for those days for which no special provision is made shall be from 9 a.m. until 4 p.m. In the case of mechanics, tradesmen, or unskilled labourers, the hours of attendance shall be as far as possible those prevailing in the country for that class of labour and shall be such as are prescribed by the deputy head.

Where the nature of the work or the exigencies of the service will not admit of the general observance of the hours of attendance prescribed in the preceding paragraph by an officer or employee, or a group of officers or employees, it shall always be competent for a deputy head to fix such hours of attendance to meet such cases as he may find necessary in the public interest.

89. One and one-half hours shall be allowed daily for luncheon, from 12.30 p.m. to 2 p.m. or at such other time as the officer in charge may for good and sufficient reasons determine. Whenever the nature of the work or the exigencies of the service render it advisable, and in the case of mechanics, tradesmen, and unskilled labourers, the time allowed for luncheon may be less than an hour and a half and shall be as prescribed by the deputy head.

90. Every officer or employee under the rank of a deputy minister except those in exempted positions as set forth below, shall register daily in person the time of his arrival and departure.

91. Each deputy head shall submit for the approval of the Commission a list of positions of an executive or administrative nature the incumbents of which, in his opinion, should be exempt from the operation of section 90 above, setting forth the reasons for asking exemption in each case; and the approved list of such positions shall be held to constitute the only exception to the regulations regarding the registering of attendance. Any additions to this list shall be submitted and approved in a similar manner.

92. Registers shall be accessible to officers and employees before and up to the time set for arrival and then closed; provided, however, that it shall be competent for a deputy minister to give instructions to officers in charge of attendance records to approve late arrivals in emergency cases where a sufficient excuse is offered. The registers shall not be accessible for recording departures until the proper time for ceasing work.

93. Any officer or employee who arrives late shall report himself to the officer in charge of the division or branch, and shall register the time of his arrival. A report shall be made to the deputy head with respect to the conduct of any officer or employee who

- (a) fails to give a satisfactory explanation when he is late; or
- (b) is habitually irregular in the time of his arrival; or
- (c) absents himself without leave during office hours.

Such reports shall be open to inspection by the Commission if required and shall be duly taken into consideration in connection with the promotion or salary increase of the employees concerned. It shall be competent for a deputy head after consultation with the Commission to fix a penalty to be imposed in his own department in all cases where employees are reported against under the above heads.

94. No officer shall be absent from duty unless reasonable cause be shown. If any officer be prevented by illness or other emergency from attending to duty, he shall immediately furnish an explanation of his absence, which shall at once be reported to the deputy head. Such officer must furnish such evidence of his illness, or the existence of such emergency, as the deputy head may consider necessary. If any officer absents himself without authority, or, if no satisfactory explanation is given by him for such absence, the deputy head may deduct from the salary of such officer his pay for each of such absences.

The duties of any absent officer shall be performed by his fellow officers in such manner as the officer in charge of the division or branch may authorize or direct.

Officers shall perform duty beyond the usual hours when required by the officer in charge of the division or branch to which they belong. Whenever it may be necessary to bring up arrears, or carry out any emergency work, the staff dealing with such work, or at the discretion of the deputy head, or the officer in charge of the branch, the whole staff shall be retained after the ordinary office hours until such work is completed.

LAY-OFFS

"An employee holding a permanent position that is to be abolished, or which is no longer required, shall be laid off and his salary discontinued but his name shall be placed, in the order provided by the regulations of the Commission, on the list of persons eligible for the class of positions from which he was laid off or for any other position for which he may have qualified." (Civil Service Act, section 54.)

95. When an employee holding a permanent position that is to be abolished or which is no longer required is to be laid off, the deputy head of his department shall at once notify the Commission thereof, giving the name, age, classification and length of service of such employee, together with the date at which his lay-off is to become effective, with a statement as to whether or not he is being laid off in good standing. Such notice shall specifically state whether the employee has been rendering efficient service or otherwise and whether or not

such deputy head recommends said employee as efficient and fit for re-employment. A statement of the duties being performed by such employee at the time of lay-off shall also be furnished by the department in cases where they differ materially from the duties of the class as outlined in the classification schedule.

96. Permanent employees who are laid off in good standing and whose efficiency and fitness for re-employment have been certified to by the department in accordance with the provisions in the preceding paragraph shall be placed on an eligible list for the class of position which they were occupying or for any other class for which they may have qualified before the date of lay-off, above all other eligibles, and shall be ranked according to their length of service. Permanent employees who are not so specially recommended shall not be considered as being laid off in good standing and shall not be entitled to have their names placed on such eligible list.

97. Should the deputy head of a department not recommend any employee so laid off as efficient and fit for re-employment he shall notify both the employee and the Civil Service Commission to this effect. Such employee shall have the right to appeal to the Commission against the recommendation of the deputy head and the Commission may, after such investigation as it shall deem necessary, place the employee's name on an eligible list for re-assignment if the appeal is sustained.

98. Permanent employees who have been laid off and who are re-appointed to the public service in any capacity shall be appointed at the minimum salary rate provided for the class to which they are appointed, and their retiring allowance, if any, shall thereupon cease. Provided that an employee who is being retired from a department in good standing and qualified to have his name placed upon an eligible list, if assigned to a similar position in another department within the period during which leave of absence has been allowed him on retirement, may, at the option of the department to which he is assigned, be regarded as a transfer and placed in the same grade in the range of compensation of the class as that in which he was in the department from which he had been retired.

99. Continuity of service in the case of a permanent employee who has been laid off in good standing and re-appointed to another permanent position in the Civil Service, shall be reckoned from the date of the first permanent appointment, deduction being made for the period under lay-off.

100. A permanent employee who has been laid off in good standing shall be eligible, whether before or after reassignment to another department, to enter promotional competitions thrown open to the whole service, providing that such promotional competition is held within twelve months from the date of lay-off of such employee.

RESIGNATIONS

"The Commission shall by regulation prescribe what shall constitute a resignation of a position by an employee." (Civil Service Act, section 53.)

101. The resignation of any employee shall be submitted in writing to the deputy head of the department accompanied by an application for such retiring leave as the employee may be entitled to receive. If the resignation is accepted the deputy head shall forward same to the Commission with a recommendation for the amount of retiring leave which he is disposed to allow, and upon the Commission's acknowledgment of same, the resignation shall be held to become effective at the expiration of the period of retiring leave approved.

102. An employee may, with the approval of the deputy head, withdraw his resignation at any time during the period of retiring leave, provided that he makes a refund of the salary which he has received while on such leave, but after the expiration of the full period of retiring leave, the employee can no longer be considered eligible for reinstatement.

103. Any employee absent from duty without leave for a period of two weeks shall be held to have abandoned his position which shall thereby become vacant, and if the department desires, immediate steps may be taken to fill the same.

104. The written resignation of an employee shall be submitted to the department at least two weeks in advance of the time when the employee desires to cease duty, otherwise the employee's claim to retiring leave may be considered as forfeited.

GENERAL

105. (1) All communications from the various departments of the public service to the Civil Service Commission, respecting appointments, classification, promotion, increase of salary, transfer or other change in status of employees, shall hereafter be made only by the deputy heads of the respective departments, or by such persons (not exceeding one in any department) as they may especially authorize, and shall be brought to the immediate attention of the minister of the department concerned.

(2) Except as provided in clause (1) of this regulation, no person shall directly or indirectly, solicit or endeavour to influence a member of the Commission, or any officer thereof with respect to the appointment of any person to the service, or with respect to the promotion or transfer of, or an increase of salary to any officer, clerk or employee in the service.

(3) Any person who, directly or indirectly, solicits or endeavours to influence a member of the Commission or any officer thereof, in favour of his appointment, promotion, transfer or increase of salary, shall be deemed to be unworthy of such appointment, promotion or increase, and it shall not be accorded him, and if he is employed in the civil service, he shall be liable to immediate dismissal.

106. (1) Except in the case of vacancies created by death, resignation, or other causes which do not involve any addition to the staff, no application shall be made to the Civil Service Commission for the creating or filling of a new permanent position until approval of such addition to the staff has been obtained from the Governor in Council. When approval has been obtained, as above provided, application may then be made to the Civil Service Commission for the classification and filling of the position.

(2) Where a new temporary appointment is required, or the continuance of a temporary position beyond what appears to be a reasonable time, the Commission may require the department to obtain the authorization of Council for such addition to the staff or for the continuance of position before a certificate is issued.

107. Upon receipt of a requisition from a department for the appointment of additional personnel at the seat of government, the Commission, when it considers such action to be in the public interest, shall invite applications from the permanent employees of the headquarters of the various departments at Ottawa, and shall also communicate to the deputy heads of the departments the nature of the position to be filled and the qualifications required therefor, requesting the names and particulars of service of any efficient employees who could be spared for transfer, and who appear to possess the necessary qualifications for the position or positions in question. A period of five days shall be allowed for the filing of applications and for the receipt of replies from the deputy heads.

108. The qualifications of such applicants, together with their length of service and efficiency records, shall be examined by the Commission in conjunction with the department concerned, and the candidate found to possess the

qualifications most suitable for the vacant position shall be seconded or loaned to the department where the vacancy exists for such probationary period, not exceeding two months, as may be necessary, provided that preference shall be accorded to such persons as may be dealt with under the provisions of sections 47 to 55 of these Regulations.

109. During this probationary period the position occupied by such person in his former department shall remain vacant, and if after probation he is found unsuited for his new position he shall be returned to the position from which he came.

110. If the employee so seconded proves satisfactory to the department receiving him, he shall be retained therein and an effort shall be made to so readjust the work of the branch of the department from which he came that his former position may be abolished and an economy of public money be thereby effected.

111. The foregoing procedure shall only be supplementary to and shall in no way supersede the provisions of sections 47 to 64 of these Regulations.

112. The foregoing procedure shall be immediately applied at the seat of government and as opportunity permits, shall be extended as far as possible to the service at large.

113. Any female employee in the public service shall, upon the occasion of her marriage, be required to resign her position.

114. Any deputy head, officer, clerk or employee who is dismissed from the civil service by order of the Governor General in Council on the ground of political partisanship in accordance with the provisions of section 55 of the Civil Service Act, shall not be eligible to compete for the same or any other position in the public service for the period of one year from the date of dismissal.

115. For the purposes of section 46 of the Civil Service Act, as amended by the Civil Service Amendment Act, 1932, officers, clerks or employees stationed at any point lying within the 32nd degree of latitude, either north or south of the equator, and at an altitude of less than six thousand feet above sea-level shall be considered to be stationed in a tropical country. Where a departure from this rigid geographical definition appears to be necessary or advisable, the Commission may designate specific places as tropical and communicate its decision to the departments in the form of extracts from the minutes.

For the present the following places where employees of the Canadian Government are situated shall be deemed to be in a tropical country: Rio de Janeiro, Brazil; Hong Kong, China; Shanghai, China; Havana, Cuba; Cairo, Egypt; Calcutta, India; Kingston, Jamaica; Batavia, Java; Panama, Panama; Lima, Peru; Port of Spain, Trinidad.

117. An employee who was laid off and his position abolished and who was subsequently transferred to another department without having been separated from the Service by Order in Council shall be considered eligible for annual increase after transfer in the same manner as if he had continued to be employed in the department from which he was laid off, notwithstanding the fact that a period of temporary employment may have intervened between the date of lay-off and the date of transfer. (P.C. 7/185, January 24, 1936.)

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